# Security Council

Distr.: General

31 July 2001

## Resolution 1364 (2001)

### Adopted by the Security Council at its 4353rd meeting, on 31 July 2001

*The Security Council,*

*Recalling* all its relevant resolutions, in particular resolution 1339 (2001) of 31 January 2001, and the statements of its President of 21 March 2001 (S/PRST/2001/9) and 24 April 2001 (S/PRST/2001/12),

*Having considered* the report of the Secretary-General of 19 July 2001 (S/2001/713),

*Recalling* the conclusions of the Lisbon (S/1997/57, annex) and Istanbul summits of the Organization for Security and Cooperation in Europe (OSCE) regarding the situation in Abkhazia, Georgia,

*Stressing* that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

*Deeply concerned* by the interruption of negotiating activities following the killings and hostage-taking incidents in April and May 2001 in the district of Gali, on 8 and 9 July 2001 in the Gulripshi area and again on 22 July 2001 in Primorsk,

*Expressing its regrets* at the cancellation of the thirteenth session of the Coordinating Council of the Georgian and Abkhaz sides, initially scheduled for 17 July 2001, due to the withdrawal of the Abkhaz side following those incidents,

*Recalling* the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

*Welcoming* the important contributions that the United Nations Observer Mission in Georgia (UNOMIG) and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS peacekeeping force) continue to make in stabilizing the situation in the zone of conflict, *noting* that the working relationship between UNOMIG and the CIS peacekeeping force has remained very close, and *stressing* the importance of close cooperation between them in the performance of their respective mandates,

*Noting* the invitation of the Georgian Government for the Security Council to dispatch a mission to the region,

1. *Welcomes* the report of the Secretary-General of 19 July 2001;

2. *Regrets* the deterioration of the situation in the zone of conflict due to the ongoing violence, hostage-taking incidents, the rise in criminality and the activities of illegal armed groups in the conflict zone, which constitutes a constant threat to the peace process;

3. *Strongly supports* the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation, in its capacity as facilitator as well as of the Group of Friends of the Secretary-General and of the OSCE, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

4. *Recalls* the intention of the Special Representative to submit the draft paper on the question of the distribution of constitutional competences between Tbilisi and Sukhumi as a basis for meaningful negotiations, and not as an attempt to impose or dictate any specific solution to the parties;

5. *Stresses* the importance of early submission to the parties of the paper as a starting point and significant catalyst for negotiations on a comprehensive political settlement, and *deeply regrets* that the Special Representative of the Secretary-General has not been in a position to do so;

6. *Stresses also* the need to accelerate work on the draft protocol on the return of the refugees to the Gali region and measures for economic rehabilitation, as well as on the draft agreement on peace and guarantees for the prevention and for the non-resumption of hostilities;

7. *Calls upon* the parties, in particular the Abkhaz side, to undertake immediate efforts to move beyond the impasse and to engage into negotiations on the core political questions of the conflict and all other outstanding issues in the United Nations-led peace process;

8. *Welcomes* the documents signed at the Yalta meeting on confidence-building measures in March 2001 (S/2001/242), and *urges* the Georgian and Abkhaz sides to implement the proposals agreed in those documents in a purposeful and cooperative manner;

9. *Calls upon* the parties to resume their work in the Coordinating Council and its relevant mechanisms as soon as possible;

10. *Urges* the parties to work together, through more effective use of existing arrangements within the Coordinating Council mechanisms, in order to clarify the incidents of 8, 9 and 22 July 2001, bring about the release of the hostages still being held and bring the perpetrators to justice;

11. *Reaffirms* the unacceptability of the demographic changes resulting from the conflict, and *reaffirms* also the inalienable right of all refugees and internally displaced persons affected by the conflict to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 (S/1994/397, annex II);

12. *Further urges* the parties, in this context, to address urgently and in a concerted manner, as a first step, the undefined and insecure status of spontaneous returnees to the Gali district, which remains an issue of serious concern;

13. *Welcomes* measures undertaken by the Government of Georgia, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the Office for the Coordinator of Humanitarian Affairs and the World Bank to improve the situation of refugees and internally displaced persons to develop their skills and to increase their self-reliance with full respect for their inalienable right to return to their homes in secure and dignified conditions;

14. *Recalls with satisfaction* the joint assessment mission to the Gali district, carried out under the aegis of the United Nations, and *looks forward* to a discussion by the parties of practical steps to implement the mission's recommendations;

15. *Deplores* all violations of the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces (S/1994/583, annex I), and *notes* with particular concern the military exercises conducted by both parties in June and July 2001 in violation of the Moscow Agreement;

16. *Expresses its concern* at the disturbing tendency by the parties to restrict the freedom of movement of UNOMIG, thereby hindering the ability of the Mission to fulfil its mandate, *urges* both sides to return immediately to full compliance with the Moscow Agreement, which remains a cornerstone of the United Nations peace effort, and *calls upon* the parties to ensure the security and freedom of movement of United Nations and other international personnel;

17. *Recalls* that the Georgian and the Abkhaz sides bear the primary responsibility for the security of UNOMIG, the CIS peacekeeping force and other international personnel and for full compliance with all security arrangements agreed between them to preclude any further aggravation of the situation, and *urges* both parties to bring to justice the perpetrators of all hostage-taking incidents, particularly the abduction of two UNOMIG military observers in the Kodori Valley on 10 December 2000;

18. *Reminds* the Georgian side in particular to uphold its commitment to put a stop to the activities of illegal armed groups crossing into Abkhazia, Georgia, from the Georgian-controlled side of the ceasefire line;

19. *Welcomes* UNOMIG keeping its security arrangements under constant review in order to ensure the highest possible level of security for its staff;

20. *Decides* to extend the mandate of UNOMIG for a new period terminating on 31 January 2002, subject to a review by the Council of the mandate of UNOMIG in the event of any changes that may be made in the mandate or in the presence of the CIS peacekeeping force, and *expresses* its intention to conduct a thorough review of the operation at the end of its current mandate, in the light of steps taken by the parties to achieve a comprehensive settlement;

21. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of this resolution on the situation in Abkhazia, Georgia, and *requests also* the Secretary-General to provide for a briefing within three months on the progress of the political settlement, including on the status of the draft paper his Special Representative intends to submit to the parties as referred to in paragraph 4 above;

22. *Decides* to remain actively seized of the matter.